

UNITED STATES
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
WASHINGTON, D.C. 20545

76-2631

JUN 18 1976

Honorable George Bush
Director of Central Intelligence
Washington, D. C. 20505

DOE review

Dear Mr. Bush:

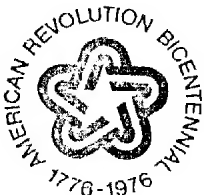
The Energy Reorganization Act of 1974 (Section 204) assigns to the Office of Nuclear Material Safety and Safeguards of the Nuclear Regulatory Commission (NRC) the function of:

"developing, in consultation and coordination with the [Energy Research and Development] Administration, contingency plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes and nuclear facilities resulting from all activities licensed under the Atomic Energy Act of 1954, as amended."

Until enactment of this Act, my intelligence component regularly provided intelligence support on such matters to those elements under the AEC Director of Regulation which were transferred by the Act to the NRC Office of Nuclear Material Safety and Safeguards.

Since January 19, 1976, with the creation of a separate Nuclear Regulatory Commission and Energy Research and Development Administration (ERDA), the ERDA intelligence element has considered itself constrained from providing this same intelligence support to the NRC, pursuant to the provisions of Director of Central Intelligence Directive No. 1/7. ERDA is also conversant with the September 15, 1975, letter from Mr. Colby to NRC's Director of Operations offering foreign intelligence support to the NRC through the Chairman of the Joint Atomic Energy Intelligence Committee, the Bureau of Intelligence and Research of Department of State, and the National Intelligence Officer for Strategic Research.

In full cognizance of the above-cited directives, and in order to execute ERDA's statutory mission to cooperate with the NRC in safeguarding nuclear materials and facilities, I am proposing that ERDA be given discretionary authority to augment Intelligence Community support to the NRC Office of Nuclear Material Safety and Safeguards by providing real-time information support in an actual or impending emergency.



Honorable George Bush

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Notwithstanding the statutory investigatory responsibilities and authorities of the Federal Bureau of Investigation under the Atomic Energy Act of 1954, as amended, and other FBI domestic security responsibilities and authorities, alert and warning information may arise from a multitude of sources, including foreign intelligence, to which the NRC does not have direct access. Such information, although available to NRC upon request, is routinely available to ERDA as a member of the U.S. Intelligence Community.

In those instances where ERDA receives information from other members of the Intelligence Community regarding an actual or impending threat to the security of special nuclear materials, high-level radioactive wastes, or nuclear facilities, whether U.S. Government-owned or licensed (and this would include materials and equipment licensed for export and the foreign facilities in which they are used or stored), I firmly believe it is in the national security interest to assure that the ERDA Intelligence Element be authorized to consult with the appropriate policy levels in the NRC on the basis of such information and to share it with those responsible officials, subject to such arrangements and procedures as you may direct.

Your concurrence in this proposal, vesting discretionary release authority in the Senior Intelligence Officer of the ERDA Intelligence Element and establishing such arrangements and procedures as are appropriate, is requested. I would be happy to brief you and your staff on the ERDA-NRC relationship in this area of national security at your convenience.

Sincerely,


Edward B. Giller

Deputy Assistant Administrator
for National Security

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

DCI/IC 75-1221

12 SEP 1975

Mr. Lee V. Gossick
Executive Director for Operations
Nuclear Regulatory Commission
Washington, D. C. 20505

Dear Mr. Gossick:

By your letter of 9 June 1975, you requested my concurrence and advice in establishing direct access for a limited number of NRC representatives to their counterparts in the Intelligence Community. I concur in your request since we have received the assurances of your Executive Legal Director by his letter of 25 August 1975 that the NRC can give foreign intelligence data proper protection. In addition, the Central Intelligence Agency will assume cognizance for security matters of the NRC, in keeping with standard practice.

I have asked [redacted] Acting Chairman of the Joint Atomic Energy Intelligence Committee of the U. S. Intelligence Board to be your point of contact for the period of the studies you mention. For your longer term foreign intelligence needs, I suggest you work out arrangements with the Bureau of Intelligence and Research, Department of State. For special problems, Mr. Howard Stoertz, National Intelligence Officer for Strategic Programs is available for assistance.

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I am sure you will find these arrangements satisfactory.

Sincerely,

/s/ W. E. Colby

W. E. Colby

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UNCLASSIFIED

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SECRET

EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI		X		
3	D/DCI/IC	X			
4	S/MC				
5	DDS&T		X		
6	DDI		X		
7	DDA				
8	DDO				
9	D/DCI/NID				
10	GC				
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19	C/IPS				
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21					
22					
SUSPENSE		Date			

Remarks:

Please develop DCI response.

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25 June 1976

Date

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